

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

APRIL 18, 2003

(Published April 26, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
April 4, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, President Ostrow.

Absent - Samuels.

Lilligren moved acceptance of the minutes of the regular meeting held 4/4/2003. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268695)

Affordable Housing Trust Fund: Receive & File status report.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268696)

Focus Minneapolis Initiative: Receive & File status report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268697)

University of Minnesota Physicians: Resolution authorizing preliminary and final approval to issue tax-exempt revenue bonds for leasehold improvements at 516 Delaware St SE and 424 Harvard St.

Hauenstein & Burmeister, Inc Project: Resolution authorizing final approval to issue tax-exempt industrial development revenue refunding notes to refinance existing bonds.

COUNCIL MEMBER JOHNSON LEE AND ZIMMERMANN (268698)

Minneapolis Public Housing Authority: Approve appointment of Leanne M. Wirkkula and reappointment of Grace K. Lee and Carol Batsell Benner.

GRANTS AND SPECIAL PROJECTS (268699)

2003 Consolidated Plan: Approve plan, as amended.

MAYOR (268700)

Family Housing Fund (McKnight) Minneapolis/St. Paul Board of Directors: Concur with Mayoral appointment of Gloria Perez Jordan.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268701)

River Station Project: Resolution appropriating funds for project.

Contamination Clean-up Grants: Authorize grant applications for various projects.

Heritage Park and Bassett Creek Valley Projects: Authorize use of MCDA panel contract with Braun Intertec Corporation, exceeding the limit for panel consultant.

Target Center Capital Improvements: Authorize privately financed capital improvements, subject to provisions.

MAYOR (268702)

Community Development Block Grant Year 29 Capital Allocations: Approve, as amended.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (268703)

NRP Funds for Ventura Village: Approve use of Hennepin County's "second 7.5%" NRP funds to support the Ventura Village portion of funding for Franklin Avenue Safety Center in the Phillips Neighborhood for 5 years.

HEALTH AND HUMAN SERVICES:

HEALTH AND FAMILY SUPPORT SERVICES (268704)

Public Health Emergency Preparedness: Quarterly update.

2003 Workplan for Department of Health & Family Support.

HEALTH AND HUMAN SERVICES (See Rep):

CIVIL RIGHTS (268705)

Civil Rights Ordinance: Ordinance amending Title 7, Chapter 139 of Code relating to Civil Rights: In General, amending Section 139.10(b)(4) to protect all persons from discrimination and from unfounded charges of discriminatory practices.

Layoff Strategies for 2003 Budget.

HEALTH AND FAMILY SUPPORT SERVICES (268706)

American Indian Community: Execute Memorandum of Understanding, as amended by Committee, with Metropolitan Urban Indian Directors, to establish a working partnership between MUID and City's elected officials.

MAYOR (268707)

Latino Community Advisory Committee to the Mayor and City Council: Approving appointments and reappointments to the Committee; and Change the by-laws to allow for staggered terms and adding two additional youth positions.

HEALTH AND HUMAN SERVICES and PS&RS and W&M/Budget (See Rep):

REGULATORY SERVICES (268708)

Lead Control Fee: Request to add \$3 surcharge per dwelling unit to annual rental dwelling license fee to fund elevated blood lead level response, lead hazard control and enforcement for residential rental property; with attachments.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268709)

Northside Weed & Seed Initiative: Transfer \$142,243 from Health & Family Support to Police Department to provide equipment and overtime/buy back hours to coordinate and implement Gang Suppression details, to assist and support Weed & Seed Public Housing Initiative and funding for Truancy Prevention Beat Officer.

LICENSES AND CONSUMER SERVICES (268710)

Lead Hazard Reduction: Accept \$8,000 Environmental Response Fund Grant and execute grant agreement with Hennepin County for lead hazard reduction at 3733 2nd Av S.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (268711)

Senate File No. 869: Criminal & traffic offenders surcharge increase for law enforcement agency operating expense.

Senate File No. 1044: Public defense system financing & services modification.

PUBLIC SAFETY AND REGULATORY SERVICES:

FIRE DEPARTMENT (268712)

Fire Department Budget: Report back with plan for capturing back employees who have been laid off based on retirement, military leave or other attrition rates.

POLICE DEPARTMENT (268713)

Homeland Security/Emergency Preparedness Report.

Police Department Budget: Report back on proposed contract for services with Minneapolis Public Schools for 2003-04; policies for budgetary demotion, use of overtime and education, travel and training budgets; and plan for capturing back employees who have been laid off based on retirement, military leave or other attrition rates.

Traffic Unit Decentralization Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268714)

Fire Protection Engineering Code Review Services: Execute Joint Powers Agreement with City of St. Paul to make available St. Paul's Fire Protection Engineer to conduct peer code reviews of plans and specifications for alternate fire protection engineering methods for the performance design portions of the Walker Art Center and other building projects.

Chapter 249 Property at 3344 Clinton Av S: Approve demolition.

LICENSES AND CONSUMER SERVICES (268715)

Metro Inn Motel (5637 Lyndale Av S): Grant Hotel/Motel License, subject to conditions.

Stop-N-Shop (640 E Lake St): Grant Grocery, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Janine's Foods (1510 W Broadway): Grant provisional Grocery and Tobacco Licenses, subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (268716)

Citizens Environmental Advisory Committee: Approve reappointments to Committee.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268717)

Minneapolis Fire Department, Station No. 6: Authorize change order with Lund Martin Construction, Inc., \$39,928 increase.

Revisions to the Municipal State Aid Street System: Passage of resolution requesting deletions from and additions to the Municipal State Aid Street System.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268718)

Tenth St S Reconstruction Proj: Passage of resls: Ordering the work to proceed and adopting special assmts; requesting Bd of Est & Taxation to issue and sell bonds; and ordering the City Engr to abandon and remove the areaways located in the public street r/w that are in conflict with the proj.

Loring Park (W Side Improvement) Lighting Proj: Ordering the work to proceed and adopting special assmts; requesting Bd of Est & Taxation to issue and sell bonds; increase appropriation; and designating street lighting project area.

Central Phillips St Renovation Proj: Passage of resolutions; Ordering the work to proceed and adopting special assmts; requesting Bd of Est & Taxation to issue and sell bonds.

Bids: a) OP #6000 by Quality Restoration Services for rental of work zone traffic control devices; b) OP #6033 by Killmer Electric Company, Inc for priority vehicle detection and control system;

c) OP #6039 by Robert Innes, Jr, Scott Innes, and Hugstad Vaa Contracting for rental of skid steer loaders with operator as needed through 12/31/03; d) OP #6045 by Koch Materials, Inc. for emulsified asphalt; e) OP #6046 Dresser Trap Rock, Inc. for type 61 graded aggregate for bituminous mixtures; and f) OP #6048 by Barton Sand and Gravel for type 41 graded aggregate for bituminous mixtures.

2003 Flood Mitigation: Resl realigning the capital appropriation within the Sewer funds.

WAYS AND MEANS BUDGET:

COORDINATOR (268719)

New Central Library Project: Change management action.

FINANCE DEPARTMENT (268720)

Travel Expense Report for 1st Quarter of 2003.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (268721)

Legal Settlements: Claims of Rosenthal Furniture, Lola Annette Jeffries Daniels, Odell Thompson, Frino Alcenat, Kevin C. Fasthorse.

Administrative Hearing Results: Adopt Findings of Fact, Conclusions of Law and Recommendation of the Administrative Law Judge that Steven Tatro not be defended or indemnified in the matter of Kevin Leroy Buford v. City.

COORDINATOR (268722)

New Central Library Project: Bid of Knutson Construction Services for foundation work; Legal opinion on whether or not the City can make substantial reductions in the project still using the proceeds of the general obligation bonds.

New Central Library Project: Issue request for proposals for artists to develop public art.

FINANCE DEPARTMENT (268723)

Utility Bill Inserts: Information on the affects of feeding water fowl on lake water quality and the Children's environmental Health Lead Center Program.

Accountant Position for Minneapolis Community Development Agency: Addition of one Accountant II position in the Finance Department.

GRANTS & SPECIAL PROJECTS (268724)

Community Development Block Grant Funds for Public Libraries: Execute amendment to contract with the Minneapolis Public Library Board allowing additional time to utilize CDBG allocation.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268725)

Transfer of Technology Equipment to Unisys: Provide a Bill of Sale for transfer of equipment as called for in outsourcing contract.

PARK BOARD (268726)

Net Debt Bond Funds: 2003 CIP Net Debt Bond projects (Hall Park, Harrison Park, Northeast Water Park).

ZONING AND PLANNING (See Rep):

INSPECTIONS/BOARD OF ADJUSTMENT (268727)

Darren Acheson (2862 James Ave S): Appeal of decision denying variances.

MAYOR (268728)

Planning Commission: Appointments of Moniue MacKenzie, Gretchen Johnson & Michael Hohmann.

PLANNING COMMISSION/DEPARTMENT (268729)

Board of Adjustment:

Appointments of Debra Bloom, Natonia Johnson & Marissa Lasky.

Vacation Applications:

Jennie Martin (5801 Clinton Ave);

Sabri Properties (alley south of Lake St between Clinton & 4th Aves S).

Rezoning Applications:

Sherman Associates, Inc (2901, 05, 09, 13, 17, 19, 27 Bloomington Ave S);

Luis Claire, for Los Amigos Building (2746 Blaisdell Ave S & 109 & 115 W 28th St);
Jerald Thompson (2601 Pleasant Ave S).

FILED:

MINNESOTA STATE OFFICES-Auditor (268730)

Community Development Agency, Minneapolis State and Orpheum Theatres Audit Report,
12/31/2002.

The following reports were signed by Mayor Rybak on 4/23/03, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having held a public hearing on April 8, 2003, now recommends passage and summary publication of the accompanying Resolution giving preliminary and final approval to issue up to \$7,000,000 in 501(c)(3) non-profit tax-exempt revenue bonds at an interest rate not to exceed 5% for the University of Minnesota Physicians Group, including a Joint Powers Agreement with the City of Wyoming, Minnesota.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

Resolution 2003R-135, authorizing the issuance and sale of tax-exempt revenue bonds for the University of Minnesota Physicians Project, to finance leasehold improvements at 516 Delaware St SE and 424 Harvard St, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-135

By Goodman

Authorizing the issuance and sale of, and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the Revenue Note (University of Minnesota Physicians Project), Series 2003, to be issued by the City of Minneapolis under Minnesota Statutes, Sections 469.152-469.165, to finance improvements to, and the acquisition and installation of medical equipment for, facilities of University of Minnesota Physicians located in the City of Minneapolis and the City of Wyoming, Minnesota.

Resolved by the City Council of the City of Minneapolis:

Section 1. Background

1.01. Statutory Authorization. The City of Minneapolis (the "City") is authorized by Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act"), to issue revenue obligations to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of a "project," defined in the Act as any properties, real or personal, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, engaged in providing health care services, including hospitals, nursing homes, and related medical facilities to be owned by a contracting party (as defined in the Act).

1.02. The Series 2003 Note. University of Minnesota Physicians, a Minnesota nonprofit corporation (the "Corporation"), has requested that the City issue its Revenue Note (University of Minnesota Physicians Project), Series 2003 (the "Note"), in the original aggregate principal amount not

to exceed \$7,000,000, and loan the proceeds derived from the sale of the Note to the Corporation pursuant to the terms of a Loan Agreement, to be dated on or after April 1, 2003 (the "Loan Agreement"), between the City and the Corporation. The proceeds of the loan will be applied to the acquisition, construction, and equipping of the Project (as hereinafter defined). The Note is proposed to be purchased by Wells Fargo Brokerage Services, LLC (the "Registered Owner").

1.03. The Corporation and the Project. The Corporation is proposing to finance the costs of following with the proceeds of the Note: (i) leasehold improvements to the Corporation's Ambulatory Imaging Center located in the Phillips-Wangensteen Building at 516 Delaware Street Southeast in the City; (ii) leasehold improvements to the Corporation's Masonic Cancer Center located at 424 Harvard Street in the City; (iii) the acquisition of equipment to be located at Fairview University Medical Center, 420 Delaware Street Southeast in the City or for the Corporation's Therapeutic Radiation Oncology Center located in the Fairview Lakes Regional Medical Office Building I at 5200 Fairview Boulevard in the City of Wyoming, Minnesota (collectively, the "Project"). The Project will be owned and operated by the Corporation. The Corporation is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as amended (the "Code"), as a result of the application of Section 501(c)(3) of the Code.

1.04. Loan Repayments. The loan repayments to be made by the Corporation under the Loan Agreement will be fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Note when due. The City will assign its rights to the basic payments and certain other rights under the Loan Agreement to the Registered Owner pursuant to the terms of an Assignment of Loan Agreement, dated as of April 1, 2003 (the "Assignment"), between the City, the Corporation and the Registered Owner.

1.05. Documents. Forms of the following documents have been submitted to the City Council and are now on file with the City Clerk: (i) the Note; (ii) the Loan Agreement; and (iii) the Assignment of Loan Agreement.

1.06. Public Hearing. A notice of public hearing (the "Public Notice") was published in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City, with respect to: (i) the required public hearing under Section 147(f) of the Internal Revenue Code of 1986, as amended; (ii) the required hearing under Section 469.154, subdivision 4, of the Act; and (iii) approval of the issuance of the Note. The Public Notice was published at least fifteen (15) days before a regularly-scheduled meeting of the Community Development Committee of the City Council of the City conducted on April 8, 2003. On such date, the Community Development Committee of the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, on (i) the proposed issuance of the Note, and (ii) the location and nature of the Project.

Section 2. Issuance of the Note

2.01. Findings. The City Council hereby finds, determines, and declares that:

(a) The issuance and sale of the Note, the execution and delivery by the City of the Loan Agreement and the Assignment of Loan Agreement, and the performance of all covenants and agreements of the City contained in the Loan Agreement and the Assignment of Loan Agreement are undertaken pursuant to the Act.

(b) The Project furthers the purposes stated in Section 469.152 of the Act and constitutes a "project," as defined in Section 469.153, subdivision 2(b) and (d), of the Act.

(c) The loan repayments to be made by the Corporation under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Note issued under this resolution when due, and the Loan Agreement also provides that the Corporation is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all lawfully imposed taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

(d) As provided in the Loan Agreement, the Note shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Note shall ever have the right

to compel any exercise by the City of its taxing powers to pay any of the Note or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Note shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, except the interests of the City in the Loan Agreement, and the revenues and assets thereunder, which will be assigned to the Lender under the Assignment of Loan Agreement. The Note shall recite that the Note is issued pursuant to the Act, and that the Note, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations

2.02. Issuance and Sale of the Note. The City hereby authorizes the issuance of the Note, in the principal amount, in the form, and with the terms set forth in the form of the Note now on file with the City. The aggregate principal amount of the Note, the interest rate of the Note, the terms for adjustment of the interest rate on the Note, the date of the documents referenced in this resolution and the Note, and the terms of redemption of the Note may be established or modified with the approval of the City. The execution and delivery of the Note shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The offer of the Registered Owner to purchase the Note at the price of par plus accrued interest, if any, to the date of delivery at the interest rate or rates specified in the Note, is hereby accepted. The Mayor, City Clerk and Finance Officer are authorized and directed to prepare and execute the Note as prescribed in the Loan Agreement and the Note shall be delivered to the Registered Owner. The Finance Officer is hereby authorized to execute and deliver any agreements with any depository institution, including any representation letter or amendment to any existing representation letter, to provide for the registration of the Note in book-entry form.

2.03. Approval of Documents. The Loan Agreement and the Assignment of Loan Agreement are hereby approved in substantially the forms on file with the City on the date hereof. The terms of the Loan Agreement and the Assignment of Loan Agreement, may be established or modified with the approval of the City. The execution and delivery of such documents shall be conclusive evidence that the City has approved such terms as subsequently established or modified. The Mayor, City Clerk, and Finance Officer are authorized and directed to execute and deliver the Loan Agreement and the Assignment of Loan Agreement. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed, and recorded as provided herein and in the Loan Agreement.

2.04. Certifications of the City. The Mayor, City Clerk, Finance Officer, and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel and the Registered Owner certified copies of all proceedings and records of the City relating to the issuance of the Note including a certification of this resolution. Such officers, employees, and agents are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Registered Owner, or other persons or entities in conjunction with the issuance of the Note. Without imposing any limitation on the scope of the preceding sentence, such officers, employees, and agents are specifically authorized to execute and deliver one or more financing statements, an arbitrage and rebate certificate, a receipt for the proceeds derived from the sale of the Note, an order as to the application of the proceeds of the Note, a general certificate of the City, and an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038 (Rev. January 2002).

2.05. Agreement with Host City. A portion of the Project is proposed to be located in the City of Wyoming, Minnesota. If Kennedy & Graven, Chartered, as bond counsel, determines that it is necessary under the terms of the Act, or Minnesota Statutes, Section 471.656, as amended, for the City and the City of Wyoming, Minnesota to enter into a joint powers agreement to provide for the issuance of the Note by the City, the City is hereby authorized to enter into such a joint powers agreement in such form and containing such terms as are acceptable to the City Finance Officer.

2.06. Security for the Note. The City hereby authorizes the Corporation to provide such security for payment of its obligations under the Loan Agreement and for payment of the Note as is agreed upon by the Corporation and the Registered Owner and the City hereby approves the execution and delivery of such security.

2.07. DTED Application. As required by the terms of Section 469.154 of the Act, the employees, officers, and agents of the City are hereby authorized and directed to submit an application to the Minnesota Department of Trade and Economic Development for approval of the Project and the issuance of the Note.

Section 3. Miscellaneous

3.01. Agreements Binding. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Note, shall be liable personally on the Note or be subject to any personal liability or accountability by reason of the issuance of the Note.

3.02. Rights Conferred. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Note, the Loan Agreement, the Assignment of Loan Agreement, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

3.03. Validity. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Mayor, Finance Officer, City Clerk, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

3.04. Reimbursement Resolution. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the "Regulation"), governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such bonds. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the bonds. The City expects that a portion of the costs of the Project will be paid by the Corporation prior to the date of issuance of the Note. The City reasonably expects to reimburse the Corporation for such expenditures from the proceeds of the Note after the date of issuance of the Note. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Note, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulation and also qualifying expenditures under the Act.

3.05. "The bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997."

3.06. Effective Date. This resolution shall take effect and be in force from and after its approval and publication. Immediate publication of this resolution is hereby authorized.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

Comm Dev - Your Committee, having under consideration the 2003 Consolidated Plan, and having held a public hearing on April 8, 2003 thereon, now recommends acceptance of written and public hearing comments; and further recommends that the 2003 Consolidated Plan be approved, as amended.

Your Committee further recommends that appropriate staff of the City Coordinator's Office be authorized to submit the 2003 Consolidated Plan, as amended (including written comments) to the Department of Housing and Urban Development (HUD) on or before April 21, 2003.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

Comm Dev - Your Committee recommends concurrence with the Mayoral appointment of Gloria Perez Jordan, Executive Director of the Jeremiah Program, 1510 Laurel Avenue, to serve on the Family Housing Fund (McKnight) Minneapolis/St. Paul Board of Directors as a representative of the financial community or other business enterprise, for a three-year term commencing February 13, 2003 and expiring at the annual Board of Directors meeting to be held in February, 2006.

Johnson Lee moved that the report be postponed. Seconded.

Adopted upon a voice vote.

Comm Dev - Your Committee recommends passage and summary publication of the accompanying Resolution giving final approval to issue tax-exempt Industrial Development Revenue Refunding Notes of 2003, in an amount not to exceed \$960,000 for the Hauenstein and Burmeister, Inc. Project.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

Resolution 2003R-136, authorizing the issuance and sale of the \$960,000 Industrial Development Revenue Refunding Notes of 2003 for the Hauenstein and Burmeister, Inc. Project, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-136

By Goodman

Authorizing the issuance and sale of the \$960,000 Industrial Development Revenue Refunding Notes of 2003 for the Hauenstein and Burmeister, Inc. Project.

Resolved by The City Council of The City of Minneapolis:

Section 1. Findings.

The City Council has heretofore determined, and does hereby determine, as follows:

1.1. The City is authorized by Minnesota Statutes, Chapter 469.152-1651, as amended (the "Act"), to redeem and refund the outstanding principal balance of its \$1,410,000 Industrial Development Refunding Revenue Bonds (Hauenstein & Burmeister, Inc. Project), Series 1998A (the "Prior Bonds") issued for the benefit of Hauenstein & Burmeister, Inc., a Minnesota corporation (the "Borrower") to refinance the Borrower's industrial project located at 2629-30th Avenue South, Minneapolis (the "Project") and to enter into a Loan Agreement with the Borrower (the "Loan Agreement") for the public purposes expressed in the Act;

1.2. In authorizing the refinancing of the Project the City's purpose is, and in its judgment the effect thereof will be, to promote the public welfare by: the attraction, encouragement and development of economically sound industry and commerce so as to prevent, so far as possible, the emergence of blighted and marginal lands and areas of chronic unemployment; the development of improved health care facilities available to the community; the halting of the movement of talented, educated personnel of all ages to other areas thus preserving the economic and human resources needed as a base for providing governmental services and facilities; the provision of accessible employment opportunities for residents in the area;

1.3. It is desirable, feasible and consistent with the objects and purposes of the Act to issue the \$960,000 Industrial Development Revenue Refunding Notes of 2003 (Hauenstein & Burmeister, Inc. Project) in the form of two Notes totaling \$960,000 (collectively, the "Notes") to redeem and refund the Prior Bonds and refinance the Project; and

1.4. The Notes and the interest accruing thereon do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation and do not constitute or give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City and neither the full faith and credit nor the taxing powers of the City is pledged for the payment of the Notes or interest thereon.

Section 2. The Notes.

2.1. Authorized Amount and Form of Notes. The Notes issued pursuant to this Resolution shall be in substantially the form set forth on Exhibit A to the Loan Agreement, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, and in accordance with the further provisions hereof; and the total principal amount of the Notes that may be outstanding hereunder is expressly limited to \$960,000 unless a duplicate Note is issued pursuant to Section 2.7.

2.2. The Notes. The Notes shall be dated as of the date of delivery, shall be payable at the times and in the manner, shall bear interest at the rate, and shall be subject to such other terms and conditions as are set forth therein.

2.3. Execution. The Notes shall be executed on behalf of the City by the signatures of its Mayor and Clerk and countersigned by its Finance Officer and shall be sealed with the seal of the City. In case any officer whose signature shall appear on the Notes shall cease to be such officer before the delivery of the Notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if it had remained in office until delivery. In the event of the absence or disability of the Mayor, Clerk or Finance Officer such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City Council execute and deliver the Notes.

2.4. Delivery of Notes. Before delivery of the Notes there shall be filed with the purchasers of the Notes (except to the extent waived by the purchasers) the following items:

- a) an executed copy of each of the following documents:
 - 1) the Loan Agreement;
 - 2) the Pledge Agreement between the City and the purchasers (the "Pledge Agreement");
 - 3) the Mortgage, Security Agreement and Fixture Financing Statement from the Borrower to the purchasers (the "Mortgage"); and
 - 4) the Guaranty from Kraus-Anderson, Incorporated to the purchasers (the "Guaranty").
- b) an opinion of Counsel for the Borrower as prescribed by Bond Counsel;
- c) the opinion of Bond Counsel as to the validity and tax exempt status of the Notes; and
- d) such other documents and opinions as Bond Counsel may reasonably require for purposes of rendering its opinion required in subsection (c) above or that the purchasers may reasonably require for the closing.

2.5. Disposition of Note Proceeds. Upon delivery of the Notes, the purchase price paid will be used to redeem and refund the Prior Bonds.

2.6. Registration of Transfer. The City will cause to be kept at the office of the Finance Officer a Note Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of transfers of ownership of the Notes. The Notes shall be initially registered in the name of the original purchasers and shall be transferable upon the Note Register by the holders in person or by an agent duly authorized in writing, upon surrender of a Note together with a written instrument of transfer satisfactory to the Finance Officer, duly executed by the holder or its duly authorized agent. The following form of assignment shall be sufficient for such purpose.

For value received _____ hereby sells, assigns and transfers unto _____ the within Note of the City of Minneapolis, Minnesota, and does hereby irrevocably constitute and appoint _____ attorney to transfer such Note on the books of such City with full power of substitution in the premises. The undersigned certifies that the transfer be made in accordance with the provisions of Section 2.9 of the Resolution relating to the above Note.

Dated: _____

Registered Owner _____

Upon such transfer the Finance Officer shall note the date of registration and the name and address of the new holder in the Note Register and in the registration blank appearing on the Note.

2.7. Mutilated, Lost or Destroyed Note. In case any Note issued hereunder shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered, a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the holder's paying the reasonable expenses and charges of the City in connection therewith, and in the case of a Note destroyed or lost, the filing with the City of evidence satisfactory to the City with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2.8. Ownership of Note. The City may deem and treat the person in whose name the Note is last registered in the Note Register and by notation on the Note whether or not such Note shall be overdue, as the absolute owner of such Note for the purpose of receiving payment of or on account of the principal balance, redemption price or interest and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

2.9. Limitation on Note Transfers. The Notes have been issued without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Notes may not be assigned or transferred in whole or part, nor may a participation interest in the Notes be given pursuant to any participation agreement, except in accordance with an applicable exemption from such registration requirements.

2.10. Issuance of New Notes. Subject to the provisions of Section 2.9, the City shall, at the request and expense of a holder, issue new notes, in aggregate outstanding principal amount equal to that of the Notes surrendered, and of like tenor except as to number, principal amount, and the amount of the monthly installments payable thereunder, and registered in the name of the holder or such transferee as may be designated by the holder.

2.11. Designation as "Program Bonds". The Notes are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted August 12, 1997.

Section 3. General Covenants.

3.1. Payment of Principal and Interest. The City covenants that it will promptly pay or cause to be paid the principal of and interest on the Notes at the place, on the dates, solely from the source and in the manner provided herein and in the Notes. The principal and interest are payable solely from and secured by revenues and proceeds derived from the Loan Agreement, the Pledge Agreement, the Mortgage and the Guaranty (the "Security Documents"), which revenues and proceeds are hereby specifically pledged to the payment thereof in the manner and to the extent specified in the Notes and the Security Documents; and nothing in the Notes or in this Resolution shall be considered as assigning, pledging or otherwise encumbering any other funds or assets of the City.

3.2. Performance of and Authority for Covenants. The City covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in this Resolution, in the Notes and in all proceedings of the City Council pertaining thereto; that it is duly authorized under the Constitution and laws of the State of Minnesota including particularly and without limitation the Act, to issue the Notes, pledge the revenues and assign the Loan Agreement in the manner and to the extent set forth in this Resolution, the Notes, the Loan Agreement and the Pledge Agreement; that all action on its part for the issuance of the Notes and for the execution and delivery thereof has been duly and effectively taken; and that the Notes in the hands of the holders are and will be valid and enforceable special limited obligations of the City according to the terms thereof.

3.3. Enforcement and Performance of Covenants. The City agrees to enforce all covenants and obligations of the Borrower under the Loan Agreement, upon request of the holders of the Notes and being indemnified to the satisfaction of the City for all expenses and claims arising therefrom, and to perform all covenants and other provisions pertaining to the City contained in the Notes and the Loan Agreement and subject to Section 3.4.

3.4. Nature of Security. Notwithstanding anything contained in the Notes, the Security Documents or any other document referred to in Section 2.4 to the contrary, under the provisions of the Act the Notes may not be payable from or be a charge upon any funds of the City other than the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon, nor shall the Notes otherwise contribute or give rise to a pecuniary liability of the City or, to the extent permitted by law, any of the City's officers, employees and agents. No holder of the Notes shall ever have the right to compel any exercise of the taxing power of the City to pay the Notes or the interest thereon, or to enforce payment thereof against any property of the City other than the revenues pledged under the Pledge Agreement; and the Notes shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and the Notes shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; but nothing in the Act impairs the rights of the holders of the Notes to enforce the covenants made for the security thereof as provided in this Resolution, the Loan Agreement and the Pledge Agreement, and in the Act, and by authority of the Act the City has made the covenants and agreements herein for the benefit of the purchasers; provided that in any event, the agreement of the City to perform or enforce the covenants and other provisions contained in the Notes, the Loan Agreement and the Pledge Agreement shall be subject at all times to the availability of revenues under the Loan Agreement sufficient to pay all costs of such performance or the enforcement thereof, and the City shall not be subject to any personal or pecuniary liability thereon.

Section 4. Miscellaneous.

4.1. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs in this Resolution contained shall not affect the remaining portions of this Resolution or any part thereof.

4.2. Authentication of Transcript. The officers of the City are directed to furnish to Bond Counsel certified copies of this Resolution and all documents referred to herein, and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity of the Notes. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute recitals of the City as to the correctness of all statements contained therein.

4.3. Authorization to Execute Agreements. The forms of the proposed Loan Agreement and the Pledge Agreement are hereby approved in substantially the form heretofore presented to the City Council, together with such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by Bond Counsel prior to the execution of the documents, and the Mayor, the City Clerk and the Finance Officer are authorized to execute the Loan Agreement and the Pledge Agreement in the name of and on behalf of the City and such other documents as Bond Counsel consider appropriate

in connection with the issuance of the Note. In the event of the absence or disability of the Mayor, the City Clerk or Finance Officer such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City Council do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

Comm Dev - Your Committee recommends concurrence with the City Council reappointment of Grace K. Lee (Ward 7) and Carol Batsell Benner (Ward 5) to serve on the Minneapolis Public Housing Authority (MPHA) Board for three-year terms to expire December 31, 2005.

Your Committee further recommends concurrence with the City Council appointment of Leanne M. Wirkkula (Ward 4) to serve on the MPHA Board for the remainder of a three-year term to expire December 31, 2004.

Adopted 4/18/03.

Absent - Samuels.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends approval to submit grant applications to the following grant programs/funds for projects listed in priority order:

1) Apply to the Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account Grant Program for the following projects, for the amounts indicated:

- a) Parcel D (West), Phase 3, in the amount of \$400,000;
- b) Heritage Park, \$229,350;
- c) Southeast Minneapolis Industrial (SEMI), Phase VII, \$125,000;
- d) Despatch Laundry, \$502,000; and
- e) 2201 Plymouth Avenue North, \$43,750.

2) Apply to the Minnesota Department of Trade and Economic Development (DTED) Contamination Cleanup Grant Program for environmental remediation for the following projects, for the amounts indicated:

- a) Heritage Park, \$646,250;
- b) SEMI, Phase VII, \$750,000;
- c) Despatch Laundry, \$1,082,000
- d) 2201 Plymouth Avenue North, \$262,500;
- e) 1256 Penn Avenue North, \$37,500;
- f) 1620 Central Avenue NE, \$30,000; and
- g) Walker Parking Ramp, \$937,500.

3) Apply to the Hennepin County Environmental Response Fund for the following projects for the amounts indicated:

- a) Heritage Park, \$150,000;
- b) Despatch Laundry, \$108,000;
- c) Queen Campus, \$150,000;
- d) Cecil Newman, \$20,000;
- e) The Homewood Apartments, \$20,000;
- f) 1822 Park, \$50,000;
- g) 2101 Washington Street NE, \$50,000;
- h) 2309 Plymouth Avenue North, \$60,000;
- i) Children's Environmental Health, \$100,000; and
- j) University of Minnesota Ball Field, \$50,000.

Your Committee further recommends that this action be forwarded to the MCDA Board of Commissioners.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to approve the use of the Minneapolis Community Development Agency (MCDA) panel contract with Braun Intertec Corporation and to make payments for environmental work relating to the Heritage Park and Bassett Creek Valley Projects that will exceed the limit for an MCDA environmental panel consultant.

Your Committee further recommends that this action be forwarded to the MCDA Board of Commissioners for authorization to waive the \$150,000 panel contract limit for Braun Intertec Corporation for environmental work at Heritage Park and Bassett Creek Valley.

Adopted 4/18/03.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board to approve the use of Hennepin County's "second 7.5%" NRP funds to support the Ventura Village portion of funding for the Franklin Avenue Safety Center in the Phillips Neighborhood for a period of five years (2003-2007), as more fully set forth in Petn No 268703; and

Further, having under consideration:

1. Concurrence with the action of the NRP Policy Board;
 2. Passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund CNR0 (NRP Program Fund) by \$58,100;
 3. Authorization for the proper City officers to execute contracts or agreements required to implement this action; and
 4. Approval to transmit this action to the Board of Commissioners of the MCDA for authorization to execute said required contracts or agreements;
- now recommends:

Comm Dev - that this matter be sent forward without recommendation.

W&M/Budget - that this matter be approved.

Goodman moved to amend the report to approve the recommendation of the Ways & Means/Budget Committee and to delete the recommendation of the Community Development Committee. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 4/18/03.

Absent - Samuels.

RESOLUTION 2003R-137
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CNR0 by \$58,100 from the projected fund balance.

Adopted 4/18/03.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the Deputy Executive Director of the Minneapolis Community Development Agency (MCDA), recommending that the MCDA staff be authorized to permit privately financed capital improvements for the Target Center, subject to the following provisions:

- 1) That each improvement project receive prior approval by the MCDA Executive Director;
- 2) That the present value of all "private payments" and "private loan payments" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, (related to such improvement projects) does not exceed five percent of the original principal amount of the 1995 City and Agency Arena Acquisition Bonds for the life of said bonds, such amount to be determined by qualified bond counsel; and
- 3) That the City Finance Officer approve the administrative and accounting procedures to be used in authorizing and monitoring such projects.

Your Committee further recommends that this action be forward to the MCDA Board of Commissioners of the MCDA.

Adopted 4/18/03.

Absent - Samuels.

The **Community Development** and **W&M/Budget** Committees had under consideration a report relating to capital program allocations for Year 29 Community Development Block Grant (CDBG) funds.

Goodman moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Mayoral recommendation to approve Minneapolis Community Development Agency (MCDA) capital program allocations for Year 29 Community Development Block Grant (CDBG) funds (as previously unallocated), now recommends approval of CDBG capital program allocations, as amended, to decrease Multi-Family/Affordable Housing by \$180,000 and to add a new allocation of \$180,000 to the Lead Hazard Reduction Program in the Children's Environmental Health Program in the Regulatory Services Department, as shown in the accompanying Resolution.

Your Committee further recommends passage and summary publication of the accompanying resolution, amending Resolution 2002R-474, passed December 16, 2002.

The substitute report was adopted 4/18/03. Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, Johnson, Colvin Roy, Zimmermann, Zerby, Johnson Lee, Niziolek, Benson, Ostrow.

Nays - Lane, Lilligren, Johnson Lee.

Absent - Samuels.

Resolution 2003R-138, amending Resolution 2002R-474 (relating to fiscal year 2003 Consolidated Plan/Proposed Use of Federal Funds for CDBG Programs) by adding various capital program allocations for Year 29 CDBG funds from the program listed as "specific MCDA program allocations in 2003 will be determined through Mayor/Council policy direction," was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-138
By Goodman and Johnson

Amending Resolution 2002R-474, entitled, "Approving the Fiscal Year 2003 Consolidated Plan/Proposed Use of Federal Funds for Community Development Block Grant (CDBG) Programs, the HOME Investment Partnerships Program (HOME), the Emergency Shelter Grant (ESG) Program and Housing Opportunities for Persons with Aids (HOPWA) Program," passed December 16, 2002:

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by adding the following capital program allocations for Year 29 CDBG funds from the program listed as "specific MCDA program allocations in 2003 will be determined through Mayor/Council policy direction":

Neighborhood Economic Development Fund (NEDF)	
and/or Community Economic Development Fund (CEDF)	\$ 300,000
Vacant/Boarded Housing	3,035,000
Multi-Family/Affordable Housing	5,056,241
Subtotal MCDA CDBG Capital Programs	8,391,241
Lead Hazard Reduction Program	180,000
Minneapolis Employment and Training	
targeted adult training and placement	200,000*
*This figure is in addition to the previously allocated	
\$441,000 for adult training and placement programs.	
Subtotal City CDBG Capital Programs	380,000
Total Reserved CDBG Allocation	8,771,241

Adopted 4/18/03. Yeas, 9; Nays, 3 as follows:

Yeas - Goodman, Johnson, Colvin Roy, Zimmermann, Zerby, Johnson Lee, Niziolek, Benson, Ostrow.

Nays - Lane, Lilligren, Johnson Lee.

Absent - Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the River Station Project, Phase 4, located at 401 North First Street, now recommends appropriation of funds (originally provided by the redeveloper in accordance with the redevelopment contract) and reinvested by the Minneapolis Community Development Agency (MCDA), for an amount not to exceed \$600,000.

Your Committee further recommends passage of the accompanying resolution amending the 2003 MCDA Appropriation Resolution by increasing the appropriation in Fund SDA0 (Development Account) by \$600,000.

Adopted 4/18/03.

Absent - Samuels.

RESOLUTION 2003R-139 By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SDA0 by \$600,000 from the projected fund balance.

Adopted 4/18/03.

Absent - Samuels.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, to whom was referred an ordinance amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to *Civil Rights: In General*, amending Section 139.10(b)(4) to protect all persons from discrimination and from unfounded charges of discriminatory practices, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/18/03.

Absent - Samuels.

Ordinance 2003-Or-048 amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to *Civil Rights: In General*, amending Section 139.10(b)(3) to protect all persons from

discrimination and from unfounded charges of discriminatory practices, was passed 4/18/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-048
By Johnson Lee
Intro & 1st Reading: 3/21/03
Ref to: H&HS
2nd Reading: 4/18/03

Amending Title 7, Chapter 139, of the Minneapolis Code of Ordinances relating to Civil Rights: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 139.10 (b) of the above-entitled ordinance be amended to read as follows:

139.10. Findings, declaration of policy and purpose.

(b) *Declaration of policy and purpose.* It is the public policy of the City of Minneapolis and the purpose of this title:

- (1) To recognize and declare that the opportunity to obtain employment, labor union membership, housing accommodations, property rights, education, public accommodations and public services without discrimination based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, affectional preference, disability, age, marital status, or status with regard to public assistance or familial status is a civil right;
- (2) To prevent and prohibit all discriminatory practices based on race, color, creed, religion, ancestry, national origin, sex, including sexual harassment, affectional preference, disability, age, marital status, or status with regard to public assistance with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations or public services;
- (3) To prevent and prohibit all discriminatory practices based on familial status with respect access to real estate and services related to real estate;
- (4) To protect all persons from discrimination and from unfounded charges of discriminatory practices;
- (5) To eliminate existence and the development of any ghettos in the community; and
- (6) To effectuate the foregoing policy by means of public information and education, mediation and conciliation, and enforcement.

Adopted 4/18/03.

Absent - Samuels.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute a Memorandum of Understanding, as amended by the Committee, with the Metropolitan Urban Indian Directors (MUID), on behalf of the American Indian Community. Said Memorandum will establish a working partnership between MUID and the elected officials of the City of Minneapolis to promote constructive dialogue, establish action steps and an agreement to measure and evaluate the results of these efforts. (Petr No 268706)

Adopted 4/18/03.

Absent - Samuels.

H&HS - Your Committee, having under consideration the Latino Community Advisory Committee to the Mayor and City Council, now recommends passage of the accompanying Resolutions:

- a. approving appointments and reappointments to the Committee.

b. amending Resolution 99R-443 entitled "establishing the Latino Community Advisory Committee to the Mayor and the City Council", passed December 17, 1999, to change the by-laws to allow for staggered terms and adding two additional youth positions.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-140, approving appointments and reappointments to the Latino Community Advisory Committee to the Mayor and the City Council, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-140

By Johnson Lee

Approving appointments and reappointments to the Latino Community Advisory Committee to the Mayor and the City Council.

Whereas, the Mayor has submitted his recommendations for appointments and reappointments to the Latino Advisory Committee;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following persons be appointed to the Committee for one-year terms to expire December 31, 2003:

Aileen Seoane, 2300 E Franklin Av (Ward 2)

Juan Carlos Alanis, 5620 33rd Av S (Ward 11)

Alma Garah-Lehn, 1431 5th St NE (Ward 3)

David Jimenez, 2930 Park Av S (Ward 6)

That the following persons be reappointed for two-year terms to expire December 31, 2004:

Maria Becerra, 3040 Ashburn St, Roseville

Noemi Alcocer, 30 Baker St, St. Paul

David Perez, 1300 Powderhorn Terrace (Ward 8)

Victor Martinez-Ramos, 3418 Garfield St NE (Ward 1)

Edna Herlitz, 102 E Lake St (Ward 6)

Daniel Moreno, 317 2nd Av S (Ward 7)

Mario Duarte, 384 Roy St, St. Paul

Augustine (Willie) Dominguez, 707 Upton Av N (Ward 5).

That Lawrence Hubbard, 2211 Clinton Av S (Ward 6) be reappointed for a one-year term to expire December 31, 2003.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-141, amending Resolution 99R-443 entitled "establishing the Latino Community Advisory Committee to the Mayor and the City Council of the City of Minneapolis", passed December 17, 1999, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-141

By Johnson Lee

Amending Resolution 99R-443 entitled "establishing the Latino Community Advisory Committee to the Mayor and the City Council of the City of Minneapolis", passed December 17, 1999.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be amended to change the third Resolved clause to read as follows:

"Be It Further Resolved that the Committee be composed of 15 members, two being reserved for youth (two-year terms) between the ages of 16 and 22, with an emphasis on representational membership to be jointly appointed by the Mayor and City Council President and confirmed by the Minneapolis City Council. The terms shall be staggered with seven members serving two-year terms and six members serving one-year terms. Members may be reappointed for succeeding terms."

Adopted 4/18/03.

Absent - Samuels.

H&HS - Your Committee recommends that the layoff strategies presented by the Civil Rights Department (as included in Petn No 268705) be sent forward without recommendation.

Schiff moved that the report be referred back to the Health & Human Services Committee. Seconded.

Adopted upon a voice vote.

The **HEALTH & HUMAN SERVICES, PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS, PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to *Housing: Lead Poisoning Prevention and Control*, adding a surcharge of \$3.00 per dwelling unit to the annual rental dwelling license fee to fund elevated blood lead level response, lead hazard control and enforcement for residential rental property, now recommends:

H&HS - that said ordinance be given its second reading for amendment and passage.

PS&RS - that said ordinance be sent forward without recommendation.

W&M/Budget - that said ordinance be returned to author.

Johnson Lee moved that the report be deleted. Seconded.

Adopted upon a voice vote.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committee submitted the following reports:

H&HS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution transferring \$142,243 from the Health & Family Support Agency to the Police Department Agency to provide funds from the Northside Weed & Seed Initiative to the Fourth Precinct to provide equipment and overtime/buy back hours to coordinate and implement Gang Suppression details, to assist and support the Weed & Seed Public Housing Initiative, and funding for the Truancy Prevention Beat Officer during the period January 1 through December 31, 2003.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-142, amending The 2003 General Appropriation Resolution, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-142
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$142,243.

b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P400) by \$142,243.

Adopted 4/18/03.

Absent - Samuels.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept an \$8,000 Environmental Response Fund Grant and execute a grant agreement with Hennepin County for lead hazard reduction at 3733 2nd Av S, and that activities performed under said agreement be payable from Licenses & Consumer Services (060-835-8392). Further, passage of the accompanying Resolution appropriating said grant funds to the Licenses & Consumer Services Agency.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-143, amending The 2003 General Appropriation Resolution, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-143
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Other Fund (060-835-8392) by \$8,000 and increasing the Revenue Source (060-835-8392 - Source 3220) by \$8,000.

Adopted 4/18/03.

Absent - Samuels.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee recommends that the Council support advocating for the maximum amount of resources possible through the surcharge bills to be used to assist local law enforcement agencies.

Adopted 4/18/03.

Absent - Goodman, Samuels.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding language relating to incomplete license applications that provides the applicant with 120 days to complete the license application before being administratively denied; a procedure to extend the application deadline; and allowing an applicant 10 days to appeal the denial decision to the City Council, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 4/18/03.

Absent - Samuels.

Ordinance 2003-Or-049 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, amending Section 259.130 to add a Subsection (b) regarding incomplete applications, providing applicants 120 days to complete the license application before being administratively denied; provides a procedure to extend the application deadline; and allows an applicant 10 days to appeal the denial decision to the City Council, was passed 4/18/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-049
By Johnson
Intro & 1st Reading: 2/28/03
Ref to: PS&RS
2nd Reading: 4/18/03

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 259.130 of the above-entitled ordinance be amended to read as follows:

259.130. License prohibited without required approvals. (a) No license shall be granted or renewed unless the application contains all the information required, together with the approval of the various departments charged with the duty of conducting the investigations and making the reports as above set forth, except as provided in section 259.132 relating to the issuance of a provisional license pending completion of site plan.

(b) Incomplete applications.

(1) Except for applications for a license under Title 14 of this Code, any application for a license that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the director of licenses. The director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(2). If the application remains incomplete after being given thirty (30) day notice, the director shall send written notice that the application is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.

(3). An applicant may, prior to denial, send a written request to extend the application deadline. The director may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee, having under consideration the application of John & Midori Flomer, dba Floating World Cafe, 3011 27th Av S, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2003, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03

(Published 4/22/03)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Metro Inn Motel for a Hotel/Motel License, subject to conditions.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-144, granting the application of Metro Inn Motel for a Hotel/Motel License, subject to conditions, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-144

By Niziolek

Granting the application of Metro Inn Motel for a Hotel/Motel License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Fahmida Hospitality Group LLC, dba Metro Inn Motel, 5637 Lyndale Av S, for a Hotel/Motel License (new proprietor) to expire November 1, 2003, subject to the following conditions:

a. the licensee agrees to maintain current or future outdoor surveillance equipment in proper working order. Surveillance tapes shall be kept available for police inspection for 14 days before being re-copied. Signage shall be posted stating the property is under camera surveillance.

b. the licensee agrees to maintain current or future outside security lighting in proper working order. Rear security lighting shall be angled in such a way as to not intrude on the privacy of neighbors.

c. the licensee agrees to install landscaping in the form of rose bushes along the south and east sides of the hotel, remove dead grass from the grounds, and complete re-seeding or re-sodding by June 2003. Landscaping maintenance shall be done on an on-going basis with the premises reflecting the surrounding neighborhood.

d. the licensee agrees to install see-through six-foot fencing on the north side of the building no later than June 2003.

e. the Motel shall maintain its current practice of 24-hour a day, on-site management.

f. Motel staff will make rounds periodically (approximately every two hours between 7:00 a.m. and 11:00 p.m. on weeknights and 7:00 a.m. and 1:00 a.m. on weekends) when security is not present.

g. the licensee agrees to continue the current practice of retaining on-site security for eight hours a week, daily patrols on the days that on-site security is not present, and on-call security until such time that the Police Department determines it is no longer needed. The Licensing Division along with the SAFE Unit will revisit the security needs when requested by Hotel management or the Police Department. Due to their close proximity to one another, the Metro Motel and Aqua City Motel may share security services. Security logs shall be made available to the SAFE Unit and Licensing on request.

h. the licensee agrees to continue the Hotel's ongoing cooperative relationship with the Police Department in the investigation and elimination of unwanted criminal activity. This cooperation has included the reporting of criminal behavior to the police, instructing employees on the importance and proper use of calling 911, the use of hotel rooms by the police for investigative or undercover work, the posting of No Trespassing signs, maintaining periodic contact with the SAFE Unit, and the eviction of guests who commit illegal or immoral acts on or near the property.

i. the licensee agrees to attend the Windom Neighborhood Association meeting at least twice a year and host a yearly neighborhood block club meeting (in conjunction with the Aqua City Motel, if desired.) Input from neighbors will be encouraged and documented.

j. the licensee agrees to continue the current practice of requiring guests to provide their vehicle plate numbers when registering. Signage shall be posted notifying guests that, for their safety, plate numbers of vehicles parked in the lot will be recorded.

k. guests will continue to be required to show photo identification (state-authorized driver's license or photo identification card, a passport, green card, or a military or tribal ID) at check-in. Guests under the age of eighteen or who provide false registration information will not be allowed to rent a room.

l. the licensee agrees to continue the practice of not accepting Hennepin County vouchers, referrals from homeless shelters, or hourly rentals.

m. the licensee agrees to continue to maintain a computerized no-rent record.

n. the check-in list and signage in each room shall notify guests that the Health Department does not allow cooking in rooms.

o. current signage displaying motel and community expectations will continue to be displayed in the hotel lobby.

p. the licensee will continue the practice of changing or re-keying a lock should a key theft occur.

q. employment applications shall stipulate that background checks are conducted as a condition of employment and employees engaging in illegal activity will be terminated.

r. the Motel shall promptly comply with all Health, Housing, Zoning, Licensing, Building and Fire Code orders.

s. the licensee agrees to continue the ongoing practice of removing litter and debris from the property and the boulevard daily and promptly removing ice and snow from the lot and sidewalks after the snow has ceased falling.

t. the Motel shall be well maintained inside and out: air conditioning units and soffit vents shall be maintained in good operating condition; openings around vents and air conditioning units shall be properly sealed and kept free of obstructions; and painting and maintenance shall be done in a workmanlike manner.

u. outside storage shall not be allowed and vehicles posted "For Sale" shall not be allowed to park in the lot.

v. Shahid Mian agrees to inform likely hotel buyers that the City will require a new proprietor to sign a Conditions letter similar to this document as a requirement for obtaining a hotel license at 5637 Lyndale Ave S.

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Stop-N-Shop for Grocery, Tobacco and Gasoline Filling Station Licenses, subject to conditions.

Adopted 4/18/03. Yeas, 10; Nays 1 as follows:

Yeas - Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Ostrow.

Nays - Lilligren.

Declining to Vote - Benson.

Absent - Samuels.

Resolution 2003R-145, granting the application of Stop-N-Shop for Gasoline Filling Station, Grocery and Tobacco Licenses, subject to conditions, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-145

By Niziolek

Granting the application of Stop-N-Shop for Gasoline Filling Station, Grocery and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Cedar Petroleum Inc, dba Stop-N-Shop #5, 640 E Lake

St, for Grocery and Tobacco Licenses (new proprietor) to expire April 1, 2003 and Gasoline Filling Station License to expire September 1, 2003, subject to the following conditions:

a. the licensee agrees to comply with approved Site Plan PR-343 on or before April 1, 2004, or file a new Site Plan Review by said date.

b. the licensee agrees to install temporary landscaping on or before June 30, 2003.

Adopted 4/18/03. Yeas, 10; Nays 1 as follows:

Yeas - Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Johnson Lee, Niziolek, Ostrow.

Nays - Lilligren.

Declining to Vote - Benson.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution provisionally granting the application of Janine's Foods for Grocery and Tobacco Licenses, subject to conditions.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

Resolution 2003R-146, provisionally granting the application of Janine's Foods for Grocery and Tobacco Licenses, subject to conditions, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-146

By Niziolek

Provisionally granting the application of Janine's Foods for Grocery and Tobacco Licenses, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it provisionally grants the application submitted by Almaden Soft Inc, dba Janine's Foods, 1510 W Broadway Av, for Grocery and Tobacco Licenses (new proprietor) to expire April 1, 2004, subject to the following conditions:

a. the licensee agrees not to install any pay phones either inside or outside the store.

b. the licensee will call Officer Judy Perry by April 11, 2003 to schedule a formal security survey.

c. the licensee shall comply with the Surveillance Camera Ordinance. All cameras will have recording devices attached to them and Officer Perry will assist with proper placement.

d. "No Trespassing" signs will be posted by April 11, 2003. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.

e. if the Police Department makes a formal request to Licenses for security based on current criminal problems present, the licensee will provide on-site security. If security is not present, the store will remain closed until security can be on-site and visible.

f. the licensee agrees not to sell items which are commonly used by drug users and drug dealers in their street business. These items include glass pipes (sometimes with roses inside), brillo pads or Chore Boy, small zip lock baggies, dice, single use tobacco products and rolling papers. The licensee also agrees not to supply matches to non-tobacco customers effective April 11, 2003.

g. all lights will be kept properly functioning and the licensee will add lights if recommended by Officer Perry.

h. noise from the business and vehicles will be kept to a minimum.

i. the licensee agrees to clean the property of litter and trash daily including the area within 100 feet of the property lines.

j. all windows will be free of signs and other items that block the view in and out. Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.

k. the licensee will ensure that a minimum of two staff people are working from 3:00 p.m. to close every day to reduce negative behaviors.

l. the licensee will contact a private towing company to remove all unauthorized vehicles and tow company signs will be clearly posted by April 4, 2003.

m. the lot will be chained off after hours to prevent vehicles from using the lot. The locked chain will be anchored by poles and will have reflective material to meet Crime Prevention Through Environmental Design (CPTED) standards.

n. the licensee agrees to remove all old or faded signs from the exterior and to keep signs and banners hung straight with all corners fastened according to CPTED standards.

o. the licensee will provide a screened and adequate dumpster with a closeable lid which will be emptied weekly.

p. the licensee will comply with all Environmental Health orders prior to opening.

q. the licensee will comply with all Zoning Site Plan requirements and deadlines for completing work.

r. the licensee will pay all fees and fines by their due dates.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

Resolution 2003R-147, granting applications for Liquor, Wine and Beer Licenses, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-147

By Niziolek

Granting applications for Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire January 1, 2004

V & Y Inc, dba Dom's Liquor, 2201 University Av NE;

Off-Sale Liquor, to expire April 1, 2004

Medich Ventures Inc, dba U Liquors, 901 Washington Av SE;

Liquor Depot Inc, dba Liquor Depot, 1010 Washington Av S;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

South Beach LLC, dba South Beach LLC, 323 1st Av N;

Gay Nineties Inc, dba Gay Nineties, 400 Hennepin Av, 1st & 2nd floors;

Al Di Sal Inc, dba Lounge, 411 2nd Av N;

Ampa Inc, dba Y'All Come Back Saloon, 830 Hennepin Av;

Grandma's of Mpls Inc, dba Grandma's Saloon & Deli, 1810 Washington Av S;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2004

Mpls Society of Fine Arts, dba Mpls Society of Fine Arts, 2400 3rd Av S (new manager);

Yendor Corp, dba Augies, 424 Hennepin Av;

Walker Art Center, dba Walker Art Center, 725 Vineland Pl;

Kelber Catering Inc, dba Kelber Catering Inc, 1301 2nd Av S;

Dixies Smokehouse Foods Inc, dba Dixies Calhoun, 2730 W Lake St;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2003

City Center Hotel Ltd Partnership, dba Marriott City Center Mpls, 30 S 7th St;
Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall;

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2004

Lymar Inc, dba Lyon's Pub, 16 S 6th St, ground floor;
Harveys Operations LLC, dba Harveys, 106 3rd St N;
River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Av;
CSM Hospitality Inc, dba Courtyard by Marriott, 225 3rd Av S;
Fleming Clarence G, dba Terminal Bar, 409 E Hennepin Av;
JWM Investments Inc, dba Mayslack's, 1428 4th St NE;
Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE;
Katabays Corporation, dba Blue Nile, 2027 E Franklin Av;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2004

Cajun Creole Creations of Mpls LLC, dba Copelands of New Orleans, 2 S 7th St;
Dinkytowner Inc, dba Dinkytowner Cafe, 412 14th Av SE;
Indian Restaurants of Minnesota LLC, dba New Delhi Bar & Restaurant, 1400 Nicollet Av;
T K K Inc, dba Knight Cap, 1500 4th St NE;
Jax Cafe Inc, dba Jax Cafe, 1922 University Av NE;

On-Sale Liquor Class B with Sunday Sales, to expire April 26, 2003

Campus Partners Inc, dba Sally's Saloon and Eatery, 714 Washington Av SE (temporary expansion of premises with entertainment, April 26, 2003, 3:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2004

Keegan Pubs LLC, dba Keegans Pub, 16 University Av NE;

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2004

Marissas Inc, dba El Mariachi Restaurant, 2750 Nicollet Av;
La Bodega Tapas Bar LLC, dba La Bodega Tapas Bar, 3005 Lyndale Av S;

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2004

3 Muses Inc, dba 3 Muses, 2817 Lyndale Av S;

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2003

News Room Inc, dba News Room Inc, 900 Nicollet Mall #AA;

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2004

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2004

Black Forest Inn Inc, dba Black Forest Inn, 1 E 26th St;

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2004

Two Wiseguy's Inc, dba Origami Restaurant, 30 1st St N, 1st floor;
TRBK Inc, dba Suite Life Catering, 600 1st Av N, Meeting Rooms;
Haanpaa Restaurants Inc, dba King & I, 1346 LaSalle Av;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2004

Jetset Inc, dba Jetset Bar, 115 1st St N;
Pizza Lucé Inc, dba Pizza Lucé, 119 4th St N;
Nami LLC, dba Nami Restaurant, 251 1st Av N;
Reese-Brooks Inc, dba Harry's, 328 S 3rd St;
Global Bag Ltd, dba Dubs Pub & Grill, 412 14th Av SE;
Sawatdee Inc, dba Sawatdee Restaurant, 607 Washington Av S;
O'Brien Kevin F, dba O'Brien's Decoy Pub & Smokehouse, 815 E Hennepin Av;
Joe's Garage Inc, dba Joe's Garage Restaurant, 1610 Harmon Pl;
DCJ LLC, dba The Sample Room, 2124 Marshall St;
B B & D Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S;
Rainbow Chinese Restaurant Inc, dba Rainbow Chinese Restaurant, 2739 Nicollet Av;
Nokomis Bowling Company, dba Nokomis Lanes, 4040 Bloomington Av;

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2003

Creative Restaurants Inc, dba Bullwinkle's, 1429 Washington Av S, 1st floor;

On-Sale Liquor Class E, to expire April 1, 2004

Bev's Inc, dba Bev's Wine Bar, 250 3rd Av N;

Temporary On-Sale Liquor

Greater Minneapolis Crisis Nursery, dba Greater Minneapolis Crisis Nursery, 275 Market St (April 4, 2003, 6:00 p.m. to 9:00 p.m. at International Market Square);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2004

Illusion Theater & School Inc, dba Illusion Theater, 528 Hennepin Av;
Anderson Restaurant Corporation, dba Dulono's Pizza, 607 W Lake St;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2004

Rita & Giorgio Inc, dba Giorgio's on Lake, 1601 W Lake St;
Johnnie Entertainment LLC, dba Sportsmans Pub, 2124 Como Av;
Machu Picchu Inc, dba Machu Picchu, 2940 Lyndale Av S;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

St Paul Bagelry Inc, dba Pizza Nea, 306 E Hennepin Av;
Sapor Inc, dba Sapor, 428 Washington Av N;
Totino's Italian Kitchen Corp, dba Totinos Italian Kitchen, 523 Central Av NE;
Alma Tierra Inc, dba Alma, 528 University Av SE;
D'Amico & Sons Inc, dba D'Amico & Sons Nicollet, 555 Nicollet Mall;
Falafel King Inc, dba Falafel King, 701 W Lake St;
Maximo Pizza Corporation, dba Perry's Pizza, 825 Washington Av SE;
Harrison, S & J; N Phonthavongxay, dba Sawatdee on the Mall, 1005 Nicollet Mall;
Natraj Enterprises LLC, dba Natraj India Kitchen, 1123 W Lake St;
Lucia Watson Enterprises Inc, dba Lucia's Restaurant, 1432 W 31st St;
Friends of the Revolution Inc, dba Auriga, 1934 Hennepin Av;
D'Amico & Sons Inc, dba D'Amico & Sons, 2210 Hennepin Av;
Yimer Belate B, dba Addis Ababa Ethiopian Restaurant, 2431 Riverside Av;
Wong Carl, dba Seafood Palace, 2523 Nicollet Av;
KPL Inc, dba Soba's, 2558 Lyndale Av S;
Christos Inc, dba Christos, 2632 Nicollet Av;
Cafe Twenty Eight LLC, dba Cafe Twenty Eight, 2724 W 43rd St;
Cardinal Bar Inc, dba Cardinal Bar, 2920 E 38th St;
Little Tel-Aviv Inc, dba Little Tel Aviv, 3238 W Lake St;
Birchwood Cafe Inc, dba Birchwood Cafe, 3311 E 25th St;
Kamprud Enterprises Inc, dba Pizza Pie & I, 4205 E 34th St;
Old School BBQ Inc, dba Famous Daves, 4264 Upton Av S;
Great Wall Incorporated, dba Great Wall Chinese Restaurant, 4515 France Av S;
Crystal Garden Inc, dba Crystal Garden, 4711 Hiawatha Av;
Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av;

On-Sale Wine Class E, to expire April 1, 2004

Cafe SFA-Minneapolis Inc, dba Cafe SFA, 651 Nicollet Mall;

Off-Sale Beer, to expire April 1, 2003

Anum Inc, dba Flag Food, 2820 E 42nd St;

Off-Sale Beer, to expire April 1, 2004

Anderson Paul Fredrik, dba Bryn Mawr Market, 412 S Cedar Lake Rd;
Laurel B Enterprises Inc, dba House of Hanson, 433 14th Av SE;
JPR Inc, dba Eighth St Market, 630 8th St SE;
Tekle-Ab Samuel, dba Sam's Food Mart, 901 E 36th St;
Dave & Ron's Inc, dba Stop-N-Go, 1847 Johnson St NE;
Speedway Super America LLC, dba Super America #4034, 2200 Lyndale Av S;
Pham Michael C, dba Duc Loi Super Market, 2515 Nicollet Av, 1st floor;
Hiep Thanh Company, dba Hiep Thanh Oriental Grocery Store, 2534 Nicollet Av;
Good Choice Inc, dba Los Amigos, 2746 Blaisdell Av;
Rainbow Food Group Inc, dba Rainbow Food #44, 2919 26th Av S;
Alemayehu Kidist, dba A A Grocery Store, 3744 Bloomington Av;
Wadi Rami A, dba Best Food Market, 3756 Nicollet Av;

On-Sale Beer Class D, to expire April 1, 2004

Sanmar Inc, dba Roundup Beer Hall, 201 E Lake St;

On-Sale Beer Class E, to expire April 1, 2004

Haza Charter Inc, dba 19 Bar, 19 W 15th St;

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1138 Hennepin Av;

Sky Ventures LLC, dba Pizza Hut, 1301 University Av SE;

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 1414 W Lake St;

Davanni's Inc, dba Davanni's Pizza & Hot Hoagies, 2500 Riverside Av;

John-Fred Co Inc, dba Sunrise Inn, 4563 34th Av S;

Pizza on the Parkway Inc, dba Carbone's Pizza on the Parkway, 4724 Cedar Av;

J & D Sunrise Corporation, dba Cloggy's, 5404 34th Av S;

On-Sale Beer Bottle Club, to expire April 1, 2004

Star Spangled Banner Post 1149 VFW, dba Star Spangled Banner Post 1149 VFW, 3018 17th Av S.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

Resolution 2003R-148, granting applications for Business Licenses, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-148

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of April 18, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268715):

Amusement Devices; Bowling Alley; Dance Hall; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; All Night Special Food; Caterers; Confectionery; Farm Produce Permit Non-profit; Food Distributor; Grocery; Ice Producer – Dealer/Wholesale; Indoor Food Cart; Food Manufacturer; Meat Market; Milk & Grocery Delivery Vehicle; Milk Distributor; Mobile Food Vendor; Drive In Food Restricted; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Wholesale Sausage Manufacturer & Distributor; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Motor Vehicle Repair Garage with Accessory Use; Peddler – Special Religious; Plumber; Pool Table; Residential Specialty Contractor; Antique Dealer Class B; Swimming Pool – Public; Tattooist/Body Piercer; Taxicab Neighborhood Rideshare; Taxicab Vehicle; Theater Zone I; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 4/18/03.

Declining to Vote - Benson.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-149, granting applications for Gambling Licenses, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-149

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Bull Moose Charitable Foundation, dba Bull Moose Charitable Foundation, 6210 Wayzata Blvd (Raffle April 26, 2003 at Riverplace, 1 Main St SE);

MN Outdoor Heritage Alliance, dba MN Outdoor Heritage Alliance, 3131 Fernbrook Ln, Suite 111, Plymouth (Raffle May 1, 2003 at International Market Square, 275 Market St);

National Council of Jewish Women, dba National Council of Jewish Women, 1500 S Highway 100, #330, Golden Valley (Raffle May 14, 2003 at Temple Israel, 2324 Emerson Av S);

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle May 19, 2003 at Tom Schmidt Urban Retreat, 1609 W Lake St);

All Saints Church, dba All Saints Church, 435 5th St NE (Bingo April 13, 2003);

St. Olaf Catholic Church, dba St. Olaf Catholic Church, 215 W 8th St (Raffle May 4, 2003);

Church of St. Bridget, dba Church of St. Bridget, 3811 Emerson Av N (Bingo, raffle, paddlewheel & pulltabs June 8, 2003 at Sojourner Truth Academy, 3820 Emerson Av N);

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (July 12, 2003);

Jewish Family and Childrens Serv of Minneapolis, dba Jewish Family and Childrens Serv of Minneapolis, 13100 Wayzata Blvd, Suite 400, Minnetonka (Raffle December 6, 2003 at Convention Center).

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the Heating, Air Conditioning and Ventilating, Refrigeration Systems Installer and Gas Fitter Licenses held by Maple Grove Heating and Air Conditioning.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-150, approving Technical Advisory Committee recommendations relating to Heating, Air Condition and Ventilating, Refrigeration Systems Installer and Gas Fitter Licenses held by Maple Grove Heating and Air Conditioning, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-150

By Niziolek

Approving Technical Advisory Committee recommendations relating to Heating, Air Condition and Ventilating, Refrigeration Systems Installer and Gas Fitter Licenses held by Maple Grove Heating and Air Conditioning.

Whereas, the Licenses & Consumer Services Division held a meeting with the licensee to discuss concerns with the operation of Maple Grove Heating and Air Conditioning, 401 County Road 81, Osseo; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for failure to comply with request final inspections as required by the Uniform Mechanical Codes; failure to return telephone calls from city inspections regarding work that did not conform to the Uniform Mechanical Codes; and failure to conform in a workmanlike manner and in compliance with Uniform Mechanical Codes resulting in nine violation citations; and

Whereas, the licensee has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct, as on file in the Office of the City Clerk and made a part of this Resolution by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, subject to the licensee agreeing to limit his work in the City of Minneapolis to residential work in order to reduce the amount of code issues:

a. the licensee shall pay an administrative fine in the amount of \$2,000 to the City of Minneapolis, with \$1,500 being stayed for a one-year period pending no same or similar violations. The remaining \$500 must be paid within six months. The licensee shall pay the \$1,500 in criminal fines for violation tags written by the Inspections Division within one week.

b. the licensee agrees to answer all telephone inquiries from City of Minneapolis inspectors within a 24-hour period. If the licensee fails to return calls from City inspectors within 24 hours, he will pay a \$50 administrative fine for each violation. The City will make exceptions to this fine if the licensee is unavailable due to good cause. The licensee also agrees to designate another party in his company to handle telephone inquiries in his absence.

c. the licensee will personally meet with inspectors for final inspections and will correct any violations by the due dates given by the Mechanical Inspections. More than two citations in the next year will result in further negative license action. The inspectors will meet in six months to check the violation history for Maple Grove Heating and Air Conditioning. If the inspector is concerned over any operating practices, a hearing will be set to determine any further negative license action.

d. the licensee voluntarily agrees not to perform any further commercial mechanical work in the City of Minneapolis. If company officials decide they want to perform commercial work, they can reconnect the License Department for reinstatement of the right to perform commercial work. The decision to reinstate Maple Grove Heating and Air Conditioning to commercial work will be based on the success of the outstanding work in Minneapolis at the present time and the future conduct of the company with residential work. No new commercial work may be contracted for until such time as permission has been granted to resume such work.

e. the licensee agrees to complete all outstanding commercial work in the City of Minneapolis within the next 60 days. Failure to complete the current outstanding work could result in negative license action.

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the City of St. Paul whereby St. Paul will make available to Minneapolis the services of its fire protection engineer during the period January 1, 2002 through December 31, 2003 to

conduct peer code reviews of plans and specifications for alternate fire protection engineering methods for the performance design portions of the Walker Art Center and other building projects. Compensation for said services shall be at the rate of \$65 per hour plus reimbursable expenses, for a total amount not to exceed \$5,000. Further, that the proper City Officers be authorized to recoup the costs of these reviews by having the architectural firms that propose performance-based designs reimburse the City of Minneapolis.

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving reappointments to the Citizens Environmental Advisory Committee (CEAC).

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-151, approving reappointments to the Citizens Environmental Advisory Committee (CEAC), was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-151

By Niziolek

Approving reappointments to the Citizens Environmental Advisory Committee (CEAC).

Whereas, the Mayor and City Council have submitted recommendations for reappointments to CEAC;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following persons be reappointed to the Committee for two-year terms to expire December 31, 2004:

Mayoral Reappointments:

Theresa Wernecke, 220 S 6th St (Ward 7), environmental advocacy representative;

Brian Ross, 2634 Vincent Av N (Ward 5), public citizen representative;

Jim Sjoselius, 5610 Quinwood Ln, Plymouth, business representative;

City Council Reappointments:

David Byfield, 1715 Knox Av S (Ward 7), as demonstrated environmental expertise;

Walker Smith, 3625 22nd Av S (Ward 9), as demonstrated environmental expertise;

Randy Kouri, 1822 Marshall St NE (Ward 3), public citizen representative;

Karen Utt, 1741 Valders Av N, Golden Valley, business representative.

Adopted 4/18/03.

Absent - Samuels.

PS&RS - Your Committee recommends passage of the accompanying Resolution authorizing demolition of the property located at 3344 Clinton Av S.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-152, authorizing demolition of the property located at 3344 Clinton Av S, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-152

By Niziolek

Authorizing demolition of the property located at 3344 Clinton Av S.

Whereas, the property located at 3344 Clinton Av S has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City Officers be authorized to abate the nuisance condition at 3344 Clinton Av S by demolition of said property legally known as Lot 6, Block 13, Wolvertons Addition to Minneapolis (PID #03-028-24-14-0163), in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this Resolution by reference.

Adopted 4/18/03.

Absent - Samuels.

The TRANSPORTATION & PUBLIC WORK Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Minneapolis Fire Department, Station No. 6 Project, now recommends that the proper City officers be authorized to execute Change Order No. 2 to Contract No. 018678 with Lund Martin Construction, Inc. increasing the amount by \$39,928 for new total of \$2,720,228 with no additional appropriation required.

Adopted 4/18/03.

Absent - Samuels.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution, which requests the deletion of the following streets on the Municipal State Aid Street System within the City of Minneapolis:

Sibley St. NE from 8th Ave. NE to 13th Ave. NE;
13th Ave. NE from Sibley St. NE to Marshall St.;
28th St. W. from Hennepin Ave. to East Lake of the Isles Parkway;
Irving Ave. S. from 28th St. W. to Lagoon Ave.; and
6th St. N. & S. from 1st Ave. N. to Park Ave.

Your committee further requests the addition to or extension of the following streets on the Municipal State Aid Street System within the City of Minneapolis:

Godward St. NE from Spring St. NE to E. Broadway;
Taft St. NE from E. Hennepin Ave. to E. Broadway;
Talmage Ave. from 29th Ave. SE to 33rd Ave. SE;
Hennepin Ave. from 8th St. S. to 12th St. S.; and
7th Ave. North from Washington Ave. to 4th Street N.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-153, requesting deletions from and additions to the Municipal State Aid Street System within the City of Minneapolis, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-153

By Colvin Roy

Requesting deletions from and additions to the “Municipal State Aid Street System” within the City of Minneapolis.

Whereas, it appears to The City Council of The City of Minneapolis that the streets hereinafter described should be deleted from, or added to the system of “Municipal State Aid Streets” under the provisions of Minnesota Statutes of 1983, Chapter 162; and

Whereas, it is the desire of said City Council that said streets be deleted from, or added to the system of “Municipal State Aid Streets” as previously established;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That said streets described and numbered as follows and designated as “Municipal State Aid Streets” as previously established be deleted from the system subject to the approval of the Commissioner of Transportation of the State of Minnesota:

No 293 - Sibley St. NE from 8th Ave. NE to 13th Ave. NE and

13th Ave. NE from Sibley St. NE to Marshall St., (0.54 miles);

No 241 - 28th St. W. from Henn. Ave. to E. Lake of the Isles Pkwy., (0.22 miles);

No 367 - Irving Ave. S. from 28th St. W. to Lagoon Ave. (0.25 miles); and

No 219 - 6th St. N. & S. from 1st Ave. N. to Park Ave. (0.75 miles).

Be It Further Resolved that the streets described and numbered as follows be designated as “Municipal State Aid Streets” of said City subject to the approval of the Commissioner of Transportation of the State of Minnesota:

Route Additions:

No 449 - Godward St. NE from Spring St. NE to E. Broadway (0.35 miles);

No 450 - Taft St. NE from E. Hennepin Ave. to E. Broadway (0.48 miles);

No 451 - Talmage St. from 29th Ave. SE to 33rd Ave. SE (0.23 miles); and

No 452 - 7th Ave. North from Washington Ave. to 4th Street N. (0.15 miles).

Route Extensions:

No 313 - Hennepin Ave. from 8th St. S. to 12th St. S. (0.27 miles).

Be It Further Resolved that upon approval of the Commissioner of Transportation of the State of Minnesota of said streets, such approved streets shall comprise deletions from and additions to the “Municipal State Aid Street System” of the City of Minneapolis and that the same be constructed, improved and maintained in accordance with the rules and regulations of the Commissioner of Transportation and the provisions of Minnesota Statutes of 2001, Section 162.09.

Adopted 4/18/03.

Absent - Samuels.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Tenth Street South Reconstruction Project and, having held a public hearing thereon, now recommends passage and summary publication of the Resolutions:

1) Ordering the work to proceed and adopting the special assessments for said project in the total amount of \$200,712.14;

2) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the total amount of \$200,700; and

3) Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way that is in conflict with said project.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

Resolution 2003R-154, ordering the work to proceed and adopting the special assessments for the Tenth Street South Reconstruction Project, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-154
By Colvin Roy and Johnson

**Tenth Street South Reconstruction Project,
Special Improvement of Existing Street No. 2982**

Ordering the work to proceed and adopting the special assessments for the Tenth Street South Reconstruction Project.

Whereas, a public hearing was held on April 8, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-055, passed February 28, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-055, passed February 28, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$200,712.14 for the Tenth Street South Reconstruction Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Tenth Street South Reconstruction Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2004 real estate tax statements.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

Resolution 2003R-155, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$200,700 for certain purposes other than the purchase of public utilities, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-155
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$200,700 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Tenth Street South Reconstruction Project, Special Improvement of Existing Street No. 2982, to be assessed

against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

Resolution 2003R-156, ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Tenth St S area, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-156
By Colvin Roy and Johnson

Ordering the City Engineer to abandon and remove the areaways located in the public street r/w that are in conflict with the street reconstruction project in the Tenth St S area.

Whereas, The City of Minneapolis has scheduled the reconstruction improvements during 2003 in the Tenth St S area of Minneapolis; and

Whereas, there are areaways located in the public street r/w that are in conflict with said reconstruction; and

Whereas, a public hearing was held on April 8, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now Therefore, Be It Resolved by The City Council of Minneapolis;

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street r/w adjoining the properties along Tenth St S (both sides) from 3rd Av S to Park Av.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

T&PW & W&M/Budget - Your Committee, having under consideration the Loring Park (West Side Improvement) Street Lighting Project, now recommends passage and summary publication of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for said project; and
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$57,000 for certain purposes other than the purchase of public utilities.
- c) Increasing the Public Works - Transportation Street Lighting Capital appropriation by \$160,000 to be reimbursed by NRP in the amount of \$103,000 and by special assessments in the amount of \$57,000.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-157, ordering the work to proceed and adopting the special assessments for the Loring Park (West Side Improvement) Street Lighting Project, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-157
By Colvin Roy and Johnson

**Loring Park (West Side Improvement) Street Lighting Project,
Special Improvement of Existing Street No 2250**

**Ordering the work to proceed and adopting the special assessments for the Loring
Park (West Side Improvement) Street Lighting Project.**

Whereas, a public hearing was held on April 8, 2003, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-056 passed February 28, 2003, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said resolution 2003R-056 passed February 28, 2003.

Be It Further Resolved that the proposed special assessments as on file in the Office of the City Clerk be \$57,000 and are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statements.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-158, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$57,000 for certain purposes other than the purchase of public utilities, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-158
By Colvin Roy and Johnson

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds
in the amount of \$57,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Loring Park (West Side Improvement) Street Lighting Project, Special Improvement of Existing Street No 2250, to be assessed against benefited properties as estimated by the City Council, which

assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/18/03.

Absent - Samuels.

RESOLUTION 2003R-159
By Colvin Roy and Johnson

Amending the 2002 Capital Improvement Appropriation Resolution

Resolved by The City Council of The City of Minneapolis

That the above-entitled Resolution, as amended, be further amended by increasing the PW-Transportation-Street Lighting Capital Appropriation in the Permanent Improvements Projects Fund by \$160,000 (4100-943-9432) for the Loring Park (West Side Improvement) Street Lighting Project, to be reimbursed by special assessments in the amount of \$57,000 (4100-943-9432 - Source 3910) and NRP in the amount of \$103,000 (4100-943-9432 - Source 3845).

Adopted 4/18/03.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on 4/8/03 to consider the establishment of Street Lighting District No 1296 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1296 (streets to receive lighting are as designated in the Loring Park (West Side Improvement) Street Lighting Project, Special Improvement of Existing Street No 2250) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on 2/28/03 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1296 not be considered final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 4/18/03.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee now recommends passage and summary publication of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the Central Phillips Street Renovation Project.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-160, ordering the work to proceed and adopting the special assessments for the Central Phillips Street Renovation Project, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-160
By Colvin Roy and Johnson

Central Phillips Street Renovation Project,
Special Improvement of Existing Street No. 2985

Ordering the work to proceed and adopting the special assessments for the Central Phillips Street Renovation Project.

Whereas, a public hearing was held on April 8, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-054, passed February 28, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-054, passed February 28, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$1,029,172.97 for the Central Phillips Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Central Phillips Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2004 real estate tax statements.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-161, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,029,000 for certain purposes other than the purchase of public utilities, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-161
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,029,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Central Phillips Street Renovation Project, Special Improvement of Existing Street No. 2985, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 4/18/03.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 268718):

a) OP #6000, low bid of Quality Restoration Services for an estimated annual expenditure not to exceed \$550,000 for rental of work zone traffic control devices as needed and called for through 12/31/05;

b) OP #6033, only bid of Killmer Electric Company, Inc. in the amount of \$222,924 for installation of a Priority Vehicle Detection and Control System for Public Works Transportation;

c) OP #6039, low bids as follows to furnish rental of skid steer loaders with operator for a total estimated expenditure of \$105,000 as needed through 12/31/03:

- Robert Innes, Jr. per hour rate \$30
- Scott Innes per hour rate \$30.50
- Hugstad Vaa Contracting per hour rate \$38

d) OP #6045, only bid of Kockh Materials, Inc. for an estimated annual expenditure of \$60,000 for emulsified asphalt as need through 11/26/03;

e) OP #6046 low bid of Dresser Trap Rock, Inc. for an estimated expenditure of \$308,750 for type 61 bituminous mixtures as needed through 12/31/03; and

f) OP #6048, low bid of Barton Sand and Gravel for an estimated expenditure of \$672,000 for type 41 graded aggregate for bituminous mixtures as needed through 12/31/03.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications, contingent on approval of the Civil Rights Department.

Adopted 4/18/03.

Absent - Samuels.

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying Resolution amending the 2003 Capital Improvement Resolution, relating to the Flood Mitigation Programs, to allow the Minneapolis Finance Department to realign the program appropriation of the original 1997 program within the Sewer Fund.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-162, amending Resolution No. 2002R-476 entitled " Adopting the 2003-2007 Five Year Capital Program and fixing the maximum amounts for 2003 to be expended by the various funds under the jurisdiction of the City Council", was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-162
By Colvin Roy and Johnson

Amending Resolution No. 2002R-476 entitled "Adopting the 2003-2007 Five Year Capital Program and fixing the maximum amounts for 2003 to be expended by the various funds under the jurisdiction of the City Council", passed December 16, 2002.

Resolved by the City Council of the City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by realigning the following capital project appropriations in the Sewer Rental Fund (7300/932/9322) as follows:

From	Description	Appropriation	To	Description	Appropriation
Project		Deducted	Project		Added
FLA05	Crystal Lake New Storm Drain #5	(1,880,000)	FLA08	Flood Area 8, 14, 19	280,000
			FLA01	Flood Area 1	500,000
			FLA06	33rd N (Humboldt - Mississippi River)	1,100,000
FLA16	Jefferson Elementary School	(28,765)	FLA27	Lake Hiawatha Storm Drain	28,765
FLA33,38,39	Flood Are 33,38,39	(800,000)	FLA01	Flood Area 1	800,000
PND12	E 37th St & Columbus Av S (Flood Basin & Storm Drain)	(2,050,000)	FLA08	Flood Area 8, 14, 19	1,035,000

			FLA01	Flood Area 1	264,611
			FLA08	Flood Area 8,14,19	665,425
			99LYN	Lyndale Ave South Flood Relief	84,964
PND26	East 43rd St & Park Ave S (Flood) Basin & Storm Drain	(65,000)	FLA06	33rd Ave N (Humboldt - Mississippi River)	65,000
PND34	East 60th Street & 1st Ave S (Pond & Storm Drain)	(600,000)	FLA06	33rd Ave N (Humboldt - Mississippi River)	35,000
			PND09	Holland Pond/Jackson Square/Edison High	29,611
PND37	29th & Logan Ave N.	(920,000)	FLA08	Flood Area 8,14,19	535,389
			FLA27	Lake Hiawatha Storm Drain	161,739
			FLA08	Flood Area 8,14,19	758,261
		(6,343,765)			6,343,765

Adopted 4/18/03.
Absent - Samuels.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:
W&M/Budget - Your Committee recommends passage and summary publication of the accompanying resolution approving legal settlements, as recommended by the City Attorney.
Adopted 4/18/03.
Absent - Samuels.

Resolution 2003R-163, approving legal settlements with Rosenthal Furniture, Lola Annette Jeffries Daniels, Odell Thompson, Frino Alcenat and Kevin Fasthorse, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-163
By Johnson

Approving legal settlements.

Resolved by The City Council of The City of Minneapolis:
That the recommendation of the City Attorney to settle the following legal matters be approved and payments authorized as indicated:
a) Rosenthal Furniture for flood damage to property at 22 5th St N by payment of \$67,275;
b) Lola Annette Jeffries Daniels, by payment of \$7,500 to Ms. Jeffries Daniels and her attorney, Frederick J. Goetz;
c) Odell Thompson (Federal District Court File No. 02-0008), by payment of \$23,000 to Mr. Thompson and his attorneys, Bruce W. Larson and Kimberly M. Ferrier;
d) Frino Alcenat (Federal District Court File No. 01-1674), by payment of \$10,500 to Mr. Alcenat (\$7,000) and his attorney, Albert T. Goins (\$3,500);
e) Kevin C. Fasthorse, by payment in the amount of \$6,000 to Mr. Fasthorse and his attorney, Eric Hageman.
Be It Further Resolved that the payments shall be made from the Self Insurance Fund (6900) and the City Attorney is authorized to execute any documents necessary to effectuate the settlements.
Adopted 4/18/03.
Absent - Samuels.

W&M/Budget - Your Committee recommends adoption in its entirety of the Findings of Fact, Conclusions of Law and Recommendation of Administrative Law Judge Barbara L. Neilson (Petn No

268721) that Steven Tatro not be defended or indemnified in the matter of *Kevin Leroy Buford v. City of Minneapolis, et al.*, Federal District Court File No. 00-1868 MJD/JGL, for the reasons stated therein.

Adopted 4/18/03.

Absent - Samuels.

W&M/Budget - Your Committee recommends authorization to execute Amendment No. 6 to the City's contract with the Minneapolis Public Library extending the contract period to May 31, 2003, to allow the Library to fully utilize their allocation of Community Development Block Grant (CDBG) capital funds.

Adopted 4/18/03.

Absent - Samuels.

W&M/Budget - Your Committee recommends authorization to place the following inserts with the City's May 2003 utility bills:

a) Park and Recreation Board information on the impact of feeding waterfowl on water quality and recreational opportunities at Minneapolis' lakes;

b) Children's Environmental Health information on the Lead Center Program.

Adopted 4/18/03.

Absent - Samuels.

W&M/Budget - Your Committee recommends the addition of one Full Time Equivalent (FTE) Accountant II position (Finance Department) to provide budget and accounting support to the Minneapolis Community Development Agency (MCDA), to be funded by the MCDA through expense redistribution.

Your Committee further recommends passage and summary publication of the accompanying resolution providing for the transfer of funds from the MCDA.

Adopted 4/18/03. Yeas, 8; Nays, 4 as follows:

Yeas - Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Goodman, Johnson Lee, Niziolek, Benson.

Absent - Samuels.

Resolution 2003R-164, transferring funds from the Minneapolis Community Development Agency for an accounting position, was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-164

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the MCDA General Fund (GEN0-340-3425) by \$48,000;

b) Increasing the Finance Department Agency in the General Fund (0100-820-8230) by \$48,000;

and

c) Increasing the transfer from the MCDA General Fund (GEN0-127-1270-9000) to the City General Fund (0100-127-1270-3801) by \$48,000.

Adopted 4/18/03. Yeas, 8; Nays, 4 as follows:

Yeas - Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Goodman, Johnson Lee, Niziolek, Benson.

Absent - Samuels.

W&M/Budget - Your Committee recommends authorization to provide Unisys Corporation with a "Bill of Sale" for the transfer of technology equipment in accordance with the City's outsourcing contract with Unisys (C-18881).

Adopted 4/18/03.

Absent - Samuels.

W&M/Budget - Your Committee recommends approval of the Minneapolis Park and Recreation Board (MPRB) 2003 Capital Improvement Program Net Debt Bond program that allocates funding of \$1,920,000 for the Hall Park, Harrison Park and Northeast Water Park projects and passage and summary publication of the accompanying resolutions amending Resolution 2002R-476 (the capital improvement program) and Resolution 2002R-479 (the capital bonding resolution) to reflect amendments requested to the Park Board capital program and that the Board of Estimate and Taxation is requested to issue and sell bonds in the amount of \$1,920,000 for the Park and Recreation Board and designating the projects for which the proceeds shall be used.

It is further recommended that the individual dollar amount of each MPRB project not be included in the official bond sale request so that the City/Park Board will be put in a better position to spend the bond proceeds within the arbitrage time requirement.

Adopted 4/18/03.

Absent - Samuels.

Resolutions 2003R-165 and 2003R-166, amending the City's capital improvement program to reflect allocation of capital funds for Park Board projects and requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$1,920,000 for the Park Board projects, were passed 4/18/03 by the City Council. Complete copies of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-165

By Johnson

Amending Resolution No. 2002R-476 entitled "Adopting the 2003-2007 Five-Year Capital Program and fixing the maximum amounts to be expended by the various funds under the jurisdiction of the City Council", passed December 16, 2002.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to reflect changes to the Park Board's 2003 Capital Improvement Program Net Debt Bond projects as requested by the Park Board and included in Petn No 268726.

Adopted 4/18/03.

Absent - Samuels.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-166

By Johnson

Amending Resolution No. 2002R-479 entitled "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$21,694,000 for certain purposes other than the purchase of public utilities", passed December 16, 2002.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by amending the following section:

Park and Recreation Board, in the amount of \$1,920,000

PRK01 Community & Neighborhood Center Rehabilitation, reduce from \$1,250,000 to \$0.

PRK01 Site and Tot Lot Rehabilitation, reduce from \$535,000 to \$400,000;

PRK04 Athletic Field Renovation, reduce from \$135,000 to \$0;

PRK12 Northeast Waterpark, increase from \$0 to \$1,520,000.

Adopted 4/18/03.

Absent - Samuels.

W&M/Budget - Your Committee recommends acceptance of the low bid of Knutson Construction Services, Inc. in the amount of \$3,834,000, and further authorizes acceptance of Alternate 1 in the amount of \$382,000 adding reinforced concrete columns and shear walls and for furnishing and delivering all material, labor, equipment and incidentals necessary to accomplish the construction of Contract No. 2, Foundations, all in accordance with the plans, specifications and addenda prepared by Architectural Alliance and titled "Minneapolis Central Library and Planetarium Foundations" for a total contract price of \$4,216,000, and further authorizes execution of a contract for the project in accordance with specifications.

Adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends that the Minneapolis Library Board be directed to bring forward, as a part of the 2004 budget process, a governance and financial analysis of forming a strategic partnership with Hennepin County for the new Downtown Library, and other consolidations of service that would be mutually beneficial with Hennepin County and other organizations identified by the Library Board.

Johnson moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

W&M/Budget - Your Committee recommends that, whereas the City seeks to establish a partnership with Hennepin County in regard to the New Central Library/Planetarium to explore cost savings, operational efficiencies and funding opportunities, be it resolved that the City Council assign three representatives to this effort and seek two representatives from the Minneapolis Library Board to begin the discussions with Hennepin County.

The substitute report was adopted 4/18/03.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

W&M/Budget - Your Committee recommends that the New Central Library Public Art Subcommittee recommendation that the City authorize issuance of a Request for Proposals (RFP) for artists to develop public art for the New Central Library be sent forward without recommendation.

Johnson moved to amend the report to delete the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 4/18/2003.

Absent - Samuels.

Approved by Mayor Rybak 4/18/03.

(Published 4/22/03)

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee recommends concurrence with the following Mayoral appointments to the Minneapolis Planning Commission for two year terms, to expire 1/31/04: a) Monique MacKenzie

(replacing Randall Bradley); b) Gretchen Johnson (replacing James Nestingen); and c) Michael Hohmann, reappointed as Mayor's representative.

Adopted 4/18/03.

Absent - Samuels.

Z&P - Your Committee recommends denying the appeal filed by Darren Acheson from the decision of the Board of Adjustment denying variance applications at 2862 James Ave S: a) to reduce the south interior side yard setback from the required 6' to 1' and to reduce the rear yard setback from the required 6' to 1' to allow for an existing sport court to remain; b) to increase the height of an existing fence from the permitted 6' to 10' that is located in the required south interior side yard and the required rear yard; c) to reduce the required south interior side yard setback from the permitted 6' to 1' to allow for an existing lamppost to remain; and d) to increase the height of an existing lamppost from the permitted 8' to 15' that is located in the required south interior side yard.

Adopted 4/18/03.

Absent - Samuels.

Z&P - Your Committee recommends approval of the following appointments to the Zoning Board of Adjustment: a) Marissa Lasky (reappointment, for a term to expire 12/31/05); b) Debra Bloom (reappointment, for a term to expire 12/31/05); and c) Natonia Johnson (filling the unexpired term of Richard White, which expires 12/31/03).

Adopted 4/18/03.

Absent - Samuels.

Z&P - Your Committee concurs in the recommendation of the Planning Commission denying the application of Jennie Martin (#1401) to vacate the part of E 58th St east of Clinton Ave S and west of Diamond Lake (north of 5801 Clinton Ave), for landscaping and fencing, and to adopt the related findings prepared by the Planning Department.

Adopted 4/18/03.

Absent - Samuels.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Sabri Properties (#1406) to vacate the west half of the first east-west alley south of Lake St between Clinton and 4th Aves S to permit a parking lot, subject to retention of easement rights by Xcel, Qwest and Time Warner, and to adopt the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted 4/18/03.

Absent - Samuels.

Resolution 2003R-167, vacating the part of an alley dedicated in Block 1, State Addition, lying west of the northerly extension of the east line of Lot 56 (the west half of the first east-west alley south of Lake St between Clinton and 4th Aves S) was passed 4/18/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-167

By Schiff

Vacating the part of an alley dedicated in Block 1, State Addition, lying west of the northerly extension of the east line of Lot 56.

Resolved by The City Council of The City of Minneapolis:

That all that part an alley dedicated in Block 1, State Addition, lying west of the northerly extension of the east line of Lot 56, said Block 1 is hereby vacated except that such vacation shall not affect the

existing easement right and authority of Xcel, Qwest, and Time Warner, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel, Qwest, and Time Warner: An easement over the north 10 feet of an alley lying west of the northerly extension of the east line of Lot 56, said Block 1; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 4/18/03.

Absent - Samuels.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Sherman Associates, Inc (BZZ-1093) to rezone the property at 2901, 2905, 2909, 2913, 2917, 2919 and 2927 Bloomington Ave S from R2B to the OR2 District to permit a mixed-use building including 30 apartments, a child care center and two neighborhood serving retail sales and service uses with one level of below-ground parking, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/18/03.

Absent - Samuels.

Ordinance 2003-Or-050, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2901, 2905, 2909, 2913, 2917, 2919 and 2927 Bloomington Ave S to the OR2 District was passed 4/18/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-050

By Schiff

1st & 2nd Readings: 4/18/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Parcel 1: Lot 8, Block 4 Allan and Anderson's Addition to Minneapolis.

B. Parcel 2: Lot 9, Block 4, Allan and Anderson's Addition to Minneapolis.

C. Parcel 3: (a) Lot 10, Block 4 Allan and Anderson's Addition to Minneapolis; (b) Lot 11, Block 4 Allan and Anderson's Addition to Minneapolis; (c) Lot 13, Block 4, except the North 6 inches thereof, Allan and Anderson's Addition to Minneapolis.

D. Parcel 4: Lot 12, Block 4 Allan and Anderson's Addition to Minneapolis.

E. Parcel 5: The South 25 feet of Lot 14 and North 6 inches of Lot 13, Block 4 Allan and Anderson's Addition to Minneapolis (2901, 2905, 2909, 2913, 2917, 2919 and 2927 Bloomington Ave S - Plate 26) to the OR2 District.

Adopted 4/18/03.

Absent - Samuels.

Z&P – Your Committee concurs in the recommendation of the Planning Commission and the revised recommendation of the Planning Department to grant the petition of Luis Claire, for Los Amigos Building (BZZ-839) to rezone the R5 portion of 2746 Blaisdell Ave S to the C1 District and all of 190 and 115 W 28th St from R5 to the C1 District to permit an accessory parking lot, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/18/03.

Absent - Samuels.

Ordinance 2003-Or-051, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the R5 portion of 2746 Blaisdell Ave S to the C1 District and 190 and 115 W 28th St to the C1 District was passed 4/18/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-051

By Schiff

1st & 2nd Readings: 4/18/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 13 and that part of Lot 12 laying south of north 15 feet thereof, Block 17, J.T. Blaisdell's Revised Addition (2746 Blaisdell Ave S - Plate 25) to the C1 District.

B. That part of the West 40 feet of east 130 feet Lot 1, Block 2, Lindley and Lingenfelder's Addition (109 W 28th St - Plate 25) to the C1 District.

C. That part of the West 35 feet of Lot 1, Block 2, Lindley and Lingenfelder's Addition (115 W 28th St - Plate 25) to the C1 District.

Adopted 4/18/03.

Absent - Samuels.

Z&P – Your Committee recommends granting the petition of Jerald Thompson, for Foreign Auto Specialties (BZZ-1032), to rezone the property at 2601 Pleasant Ave S from R5 to the C1 District to permit a new residence to be built on top of an existing minor auto repair use, in accordance with the findings prepared by the City Attorney's Office and made a part of this report by reference, notwithstanding the recommendation of the Planning Commission.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 4/18/03.

Absent - Samuels.

Ordinance 2003-Or-052, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2601 Pleasant Ave S to the C1 District was passed 4/18/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-052
By Schiff
1st & 2nd Readings: 4/18/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the West 45 feet of Lots 25 and 26, Block 15 of J.T. Blaisdell's revised addition to Minneapolis (2601 Pleasant Ave S - Plate 25) to the C1 District.

Adopted 4/18/03.

Absent - Samuels.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of May, 2003, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 4/18/03.

Absent - Samuels.

Goodman moved to waive the 30-day filing time and event starting time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Colleen Larson for Marshall Field's for a business district block event to be held April 19, 2003, between the hours of 5 AM and 5 PM on the Nicollet Mall between 7th & 8th Streets S, having approval granted by the Police Department to grant said waiver.

Adopted 4/18/03.

Absent - Samuels.

Ostrow introduced the subject matter of an Ordinance amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumbers/Gas Fitter, Refrigeration and Steam and Hot Water Installers*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing 5/7/03 (To accommodate the newly developed, secure value test for plumber/gas fitter).

Schiff's motion relating to an Ordinance relating to Immigration and Naturalization Services (INS) Matters was deleted from the agenda as this subject matter had been introduced and referred to the Ways & Means/Budget Committee on February 28, 2003.

Zimmermann introduced the subject matter of an Ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, which was given its first reading and referred to the Health & Human Services Committee (To remove the restriction on temporary housing structures).

Ostrow moved to amend the City Council Layoff Reduction Strategy that was approved by the City Council on April 1, 2003 (included in Petn No 268670) to reflect the elimination of one Full Time Equivalent (FTE) Office Support Specialist I position (City Council Receptionist). Seconded.

Adopted 4/18/03. Yeas, 7; Nays, 5 as follows:

Yeas - Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Niziolek, Ostrow.

Nays - Goodman, Lane, Zimmermann, Johnson Lee, Benson.

Absent - Samuels.

RESOLUTION

Schiff offered a Resolution honoring the South High Mock Trial Team.
Adopted 4/18/03.
Absent - Samuels.

(Not published. See Resolution 2003R-168 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2003R-168

By Schiff

Honoring South High Mock Trial Team.

Whereas, South High Mock Trial team has won the state championship in 2002 and again in 2003;
and

Whereas, in their first year as a team, they were region champions and runner up at the state tournament; and

Whereas, the Minnesota High School Mock Trial Program is a law-related education program which introduced students to the American legal system and provided a challenging opportunity for personal growth and achievement. As part of the mock trial program, the students exercised a real-life setting using their critical thinking abilities as well as the basic skills learned in the classroom; and

Whereas, the South High Mock Trial Team Members Ethan Angelica, Nick Schnoes, Caitlin Sheaffer, Stephanie Kobbe, Elianna Lippold-Johnson, Nick Borger, Connor Bohne and Jaime McClella has exhibited exceptional work ethic and dedication; and

Whereas, Nick Borger was awarded most effective student-witness; and

Whereas, the South High Mock Trial Team Teacher, Phylis Hayes, and Attorney Coaches, Pat Yoedicke, John Borger, Kim Falker and Randy Thompson, have dedicated countless hours of time and energy to lay a foundation of excellence;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we express our gratitude and thanks to the South High Mock Trial Team for their outstanding achievement and wish them continued success.

Adopted 4/18/03.

Absent - Samuels.

UNFINISHED BUSINESS

Goodman moved that the Community Development and Ways & Means/Budget Committee report relating to the CPED Organizational Structure continue to be postponed. Seconded.

Adopted upon a voice vote.

By unanimous consent, the Zoning & Planning Committee report relating to the West Broadway Zoning Study and postponed 4/4/03 continued to be postponed.

By unanimous consent, the Zoning & Planning Committee report relating to The Minneapolis Plan and postponed 4/4/03 continued to be postponed.

NEW BUSINESS

Schiff introduced an Ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Adding Section 551.855 entitled *Roof signs*).

By unanimous consent, the meeting was adjourned to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Selwin Ortega vs. City of Minneapolis, et al.* lawsuit.

Room 315 City Hall

Minneapolis, Minnesota

April 18, 2003 - 11:15 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Goodman, Lane, Johnson, Colvin Roy (In at 11:25), Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostrow.

Absent - Samuels.

Also present - Jay Heffern, City Attorney; Tim Skarda, Assistant City Attorney; Michael Norton, Deputy City Attorney; Peter Wagenius, Mayor's Office; Merry Keefe, City Clerk; Jan Hrnecir, City Clerk's Office.

Jay Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Selwin Ortega vs. City of Minneapolis, et al.* lawsuit.

Lilligren moved that the meeting be closed for the purpose of consideration of the above lawsuit pursuant to the City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:16 a.m.

Tim Skarda summarized the subject matter of the *Selwin Ortega vs. City of Minneapolis, et al.* lawsuit.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved that the meeting be opened for the purpose of taking an action relating to the above lawsuit. Seconded.

Adopted by unanimous consent.

Lilligren moved that the City Council authorize settlement in the amount of \$8,000 payable to Selwin Ortega and his attorney, Jordan Kushner, in full and final payment in the matter of *Selwin Ortega vs. the City of Minneapolis, et al.*, Hennepin County District Court No.: MC 01-016858, and that the City Attorney be authorized to execute any documents necessary to effectuate the settlement and release of claims. This amount is payable from Fund Org. 6900-150-1500-4000. Seconded.

Adopted 4/18/03.

Absent - Samuels.

By unanimous consent, the meeting was adjourned at 11:30 a.m.

Merry Keefe, City Clerk.

Created: 4/21/2003;
Modified: 4/25/2003;
Corrected: 5/20/2003;
12/23/2003